

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PLANTRONICS, INC.,

No. C-05-5232 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST TO ADVANCE CASE
MANAGEMENT CONFERENCE**

v.

TARGET CORPORATION,

Defendants

Before the Court is the parties' Joint Case Management Statement, filed January 27, 2006. The initial Case Management Conference is scheduled to be held April 21, 2006.

In the joint statement, plaintiff requests that the conference be advanced to February 3, 2006, on the ground defendant allegedly has failed to comply with a discovery order issued December 27, 2005 by Magistrate Judge Joseph C. Spero, and because plaintiff seeks a trial date in July 2006.


Initially, the Court observes that plaintiff has failed to comply with the Local Rules of this District, which require a party seeking to advance a hearing to file a motion to change time, pursuant to Civil Local Rule 6-3. In any event, plaintiff's request, if construed as a motion to change time, is deficient because plaintiff fails to sufficiently identify "the substantial harm or prejudice that would occur if the Court did not change the time." See Civil L.R. 6-3(a)(3). To the extent plaintiff is of the view that defendant has failed to comply

1 with Judge Spero's order, plaintiff can seek relief from Judge Spero. With respect to
2 plaintiff's request for a July 2006 trial date, plaintiff fails to identify why such date is
3 imperative, let alone practicable. Indeed, plaintiff's proposed schedule fails to account for a
4 claim construction hearing and related disclosures. See Patent L.R. 2-1 et seq.

5 Accordingly, plaintiff's request to advance is hereby DENIED. The initial Case
6 Management Conference remains as scheduled on April 21, 2006. The parties shall file an
7 updated Joint Case Management Statement no later than April 14, 2006.

8 **IT IS SO ORDERED.**

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10 Dated: January 30, 2006


MAXINE M. CHESNEY
United States District Judge